

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DEMARIA L. WYNN  
as Guardian for Duane L. Wallace, a protected individual,  
and  
DUANE L. WALLACE, a protected individual,

Plaintiffs,

-vs-

Case No. 06-10534  
HON. AVERN COHN

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

\_\_\_\_\_ /

**ORDER DENYING DEFENDANT'S MOTION IN LIMINE  
TO STRIKE GERALD SHEINER, M.D. [ETC.] (DOC. 70)<sup>1</sup>**

This is an attendant care case under Michigan's No Fault Act. The jurisdiction of the Court is based on diversity. Defendant has filed a motion styled Motion in Limine to Strike Gerald Sheiner, M.D., William Leuchter, M.D., and Anthony Emmer, D.O. (doc. 70).

---

<sup>1</sup> The Court reminds the parties that in the Sixth Circuit, a ruling on a motion in limine is advisory only. United States v. Yannott, 42 F.3d 999, 1007 (6th Cir. 1994). To preserve for appeal any issue relating to this decision, a party must raise the question at trial and obtain a final decision from the Court. See United States v. Luce, 713 F.2d 1236, 1239–40 (6th Cir. 1983).

For the reasons stated on the record at a hearing on March 30, 2009, the motion is DENIED. Sheiner's deposition shall be taken on March 30, 2009, at 8:00 p.m. All records shall be produced two hours before deposition.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: March 30, 2009

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, March 30, 2009, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160